

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10417 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SANJAYBHAI BHALCHANDRA DALWADI

Versus

DISTRICT COLLECTOR SURAT

Appearance:

MR MP PRAJAPATI for Petitioner

MR HM BHAGAT for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 16/01/97

ORAL JUDGEMENT

Rule. Mr.H.M.Bhagat, learned counsel waives the service of notice of Rule for the respondents nos.1,2 and 3. At the request of learned advocates for the parties, petition is heard today.

2. By means of filing this petition under Art. 226 of Constitution, the petitioner has prayed to issue a

writ of certiorari or any other appropriate writ, order or direction to quash and set aside order dt. March 21, 1994 which is produced at Annexure A to the petition and order dt. April 6, 1995 which is produced at Annexure B to the petition. The petitioner has further prayed to issue a writ of mandamus directing respondent no.1 to execute quarry lease in Form-D of G.M.M.R.in respect of Survey No. 31 and area near Gamtal of Tapi river bed of village Dhoran Pardi, Tal. Kamrej, Dist. Surat. In the alternative, the petitioner has prayed to direct respondent no.3 to decide revision application pending before him within stipulated time.

3. As the petitioner has already resorted to alternative remedy of filing revision application before the State Government, prayer made in Para 10(A) cannot be granted. However the fact remains that the respondent no.3 has not decided the revision application which is filed by the petitioner, nor application for stay of the two orders dt. March 21, 1994 and April 6, 1995, is decided by the respondent no.3. Under the circumstances, I am of the opinion that interest of justice would be served, if necessary directions are issued to the respondent no.3 to consider the matter within stipulated time.

4. For the foregoing reasons, petition partly succeeds. The respondent no.3 is directed to decide the revision application as well as the stay application filed by the petitioner as early as possible and latest by February 28 , 1997. It is directed that the respondent no.1 shall co-operate in hearing of revision application before the State Government. Rule is made absolute to the extent indicated above with no order as to costs. Direct service is permitted.
